

# **Criminal Investigations (Blood Samples— Burglary Suspects) Amendment Bill**

Member's Bill

## **Explanatory note**

This Bill will strengthen the Criminal Investigations (Blood Samples) Act 1995 in its application to criminal offences.

The relevant offences in respect of which the Act may be applied are set out in the Schedule. A blood sample may be obtained from a suspect, and a sample retained for the purpose of the DNA profile databank, if the crime involved is one of those listed in Part A of the Schedule. These are all serious crimes against the person where such samples are, or may well be, very useful in criminal investigations. However a sample may be taken only for the purpose of the DNA profile databank if it is in connection with one of the two crimes listed in Part B, that is, burglary and entering with intent. There is no longer good reason to continue to draw a distinction between the two categories of crime in the Schedule. Burglary and entering with intent are also serious crimes, where blood samples may serve a useful purpose, and such samples ought to be able to be taken from suspects in the case of those crimes as well. It is appropriate now to be reflecting the community's condemnation of the seriousness of these property offences.

*Clause 4* amends the definition of **relevant offence** in section 2 of the principal Act. The distinction that it draws between the two categories of offences listed in the Schedule will no longer need to be maintained.

*Clause 5* amends the Schedule of the principal Act by omitting Part B and including burglary and entering with intent among the other offences listed in the Schedule.

*Hon Tony Ryall*

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**The Parliament of New Zealand enacts as follows:**

#### **1 Title**

- (1) This Act is the Criminal Investigations (Blood Samples—Burglary Suspects) Amendment Act **2000**.
- (2) In this Act, the Criminal Investigations (Blood Samples) Act 1995<sup>1</sup> is called “the principal Act”. 5

<sup>1</sup> 1995 No 55

#### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

#### **3 Purpose**

The purpose of this Act is to make amendments to the principal Act to strengthen its application to criminal offences. 10

#### **4 Interpretation**

Section 2(1) of the principal Act is amended by repealing the definition of **relevant offence**, and substituting the following definition: 15

“**relevant offence** means an offence against any of the provisions of the Crimes Act 1961 specified in the Schedule”.

**5 Schedule amended**

The Schedule of the principal Act is amended—

- (a) by omitting all the words that are contained in the heading to Part A; and
- (b) by adding to that Part the following offences and expressions: 5
  - “Burglary Section 241
  - “Entering with intent Section 242”; and
- (c) by repealing Part B.

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**Legislative history**

7 December 2000

Introduction (Bill 95-1)

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